

## WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Vice Chair Leuer on Tuesday, September 20, 2016, at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

### **ROLL CALL**

Commissioners present: Vice Chair Leuer and Commissioners Fernandez, McPhillips, Nelson, Kavanaugh, and Ramsay.

### **Absent:**

Chair Hubert

### **Also Present:**

Assistant Community Development Director Boike, Council Liaison Bellows and Recording Secretary Dull.

### **APPROVE MINUTES**

**ON MOTION of Fernandez, seconded by Nelson, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of August 18, 2016 as written.**

Ayes: 6      Nays: 0      Abstain: 0

### **PUBLIC HEARINGS**

#### **CASE # 16-10**

**Application For A  
Conditional Use Permit To  
Allow Adult Day Care In  
A B2 Neighborhood  
Business District At 355 E.  
Marie Ave – Snyder  
HealthCare Systems Inc.**

Assistant Community Development Director Boike reviewed the staff memo to the Commissioners. Staff recommended approval of the Conditional Use Permit subject to the conditions detailed in the memo.

Commissioner Kavanaugh questioned the condition of the parking lot and whether the applicant would be willing to resurface. Commissioner Ramsay agreed that resurfacing rather than patching would make sense for seniors. Asst. Director Boike confirmed the parking lot was rough and needed to be patch and restriped at a minimum. He asked Commissioners discuss with the applicant.

Commissioner McPhillips confirmed with Asst. Director Boike that the existing property was vacant but under contract for purchase pending City approvals.

#### **Clarence Tweh, Snyder HealthCare Systems Inc., applicant**

Mr. Tweh advised that he intended to resurface the lot and had no issues with making that a required condition of approval.

Commissioner McPhillips inquired about the business. Mr. Tweh advised that the business provides services for vulnerable adults and seniors or those with developmental disabilities in Dakota County. He added that they have been a corporation for eight years and were previously foster parents and they have been

caregivers for over 20 years. Mr. Tweh stated the business was geared toward adults from 18 year old and up and they are also working on developing a respite program Mondays through Saturdays for families with a disabled family member. He added that the business intends to enrich the lives of the clients it serves through community experience and day trips. There would not be a residence so there would be no overnight.

**Vice Chair Leuer opened the Public Hearing at 7:20 p.m.** and seeing no one wishing to speak for or against the application, **Vice Chair Leuer closed the Public Hearing at 7:20 p.m.**

**ON MOTION by Ramsay, seconded by Kavanaugh, the Planning Commission approved Case #16-10, application for a Conditional Use Permit to allow Adult Day Care in a B2 Neighborhood Business District at 355 E. Marie Ave. subject to the condition provided in the staff memo and adding condition 2 requiring the applicant to resurface the parking lot.**

Ayes: 6            Nays: 0            Abstain: 0

**CASE # 16-11**  
**Application For Site Plan**  
**Review To Modify**  
**(Expand) The Existing**  
**Parking Lot At 1675**  
**Livingston Ave – Dakota**  
**County CDA**

Assistant Community Development Director Boike reviewed the staff memo to the Commissioners. Staff recommended approval of the Conditional Use Permit subject to the conditions detailed in the memo.

Commissioner McPhillips asked how the site was approved for only 40 parking stalls when it required 160 and whether additional parking could be created using the land behind the site. Asst. Director Boike stated it was likely because the site pre-dates the ordinance and is now grandfathered in as a legal non-conforming use. He also noted that there were some elevation issues with the land behind but that the City wanted to alleviate some of the existing parking issues which the proposal would do. Commissioner McPhillips also asked whether Livingston was to be widened or resurfaced in the near future. Asst. Director Boike stated there were no plans that he was aware of.

Commissioner Kavanaugh clarified with Asst. Director Boike tree replacement and required caliper inches.

Commissioner Fernandez confirmed underground parking was not available. He also asked what the street looked like on Saturday mornings when all cars and most people are home and whether parking time restrictions were in place.

**Vince Markell, Dakota Co. CDA, applicant**

Mr. Markell advised that the facility has been in operation since 1980 or 1981. He stated that current parking allows for 29 spots in front and 11 in the rear, all of which are numbered. Mr. Markell stated that after surveying, the CDA feels the proposal meets the needs as there are more single bedroom units and not many multi-car tenants, if any. He added that the CDA's budget comes solely from HUD and requires sharing across many buildings. Because of the limited funding, they are only proposing what would meet the needs as they exist now. Commissioners continued to question Mr. Markell regarding the site. Mr. Markell noted that DARTS was a partner and provided many services. He also stated that snow emergencies are smooth given the caretaker helps with notification and vehicles are moved.

**Vice Chair Leuer opened the Public Hearing at 7:39 p.m.** and seeing no one wishing to speak for or against the application, **Vice Chair Leuer closed the Public Hearing at 7:39 p.m.**

Commissioner Fernandez stated that the proposal was for additional parking spaces and if the Commissioners didn't allow the application, the site and neighborhood would remain the same. He hoped the CDA looks to expansion in the back in the future.

Commissioner Kavanaugh pointed out that the feel of the neighborhood would remain the same with no significant changes except to alleviate some of the street parking issues.

Nelson, McPhillips, all approved

**ON MOTION by Nelson, seconded by McPhillips, the Planning Commission approved Case #16-11, application for Site Plan Review to modify (expand) the existing parking lot at 1675 Livingston Ave subject to the conditions provided in the staff memo.**

Ayes: 6      Nays: 0      Abstain: 0

**CASE # 16-12**  
**Applications For Plat To**  
**Combine Lots And Site**  
**Plan Review To Modify**  
**(Expand) The Existing**  
**Parking Lot At 963 Robert**  
**St. – Alliant Engineering**

Assistant Community Development Director Boike reviewed the staff memo to the Commissioners. Staff recommended approval of the Conditional Use Permit subject to the conditions detailed in the memo.

Commissioner Nelson noted the screening and asked whether the proposed would satisfy the six foot requirement. Asst. Director

Boike suggested revising the recommendation to amount to the six foot requirement.

Commissioner Kavanaugh inquired whether the proposal was only moving forward to quickly satisfy a condition in the development agreement. He also asked about overlapping of parking use and demand. Asst. Director Boike provided some background to Commissioners regarding the development agreement and changes in use over time. He confirmed that the development agreement has been amended to allow the proposed parking lot. He also stated that the uses and operation offset each other and didn't see any issues with the parking lot satisfying business parking and overflow parking.

Council Liaison Bellows added that the parking lot may provide overflow parking for the neighboring apartments. Asst. Director Boike explained the issue of apartment overflow parking.

Commissioner Fernandez noted that the building has been vacant for two to three years and confirmed with Asst. Director Boike that the City agrees that developing a parking lot is the best use for that land. He also inquired about the drainage at the north east corner and lighting.

Commissioner Ramsay questioned the residential property owners adjacent to the proposed development and also questioned why the City would agree to a parking lot and take the land off the tax rolls for later commercial development. Asst. Director Boike advised that from a zoning standpoint, the applicant meets all code requirements and that the EDA agreed with the developer for a parking lot.

Discussion regarding how the proposed parking lot fits with the City's Comprehensive Plan ensued and it was noted that the Comprehensive Plan calls for mixed use and density but that there hasn't been a market for it.

**Rob Coast, Sherman & Associates, applicant**

Mr. Coast noted the building was completed 1 ½ year ago and has been vacant since completion. However, they were anxious to fill the building and parking. He advised there were four prospects, a couple of them grocers, but no leases at this point and they are keeping the city informed. Mr. Coast stated the proposed detention pond to the north would be a micro-park and is intended to beautify the property.

Discussion took place between Commissioner Fernandez and Mr. Coast regarding apartment overflow parking, development agreement provisions, sufficient parking created for the site initially, why developing the vacant lot before a use is confirmed and whether the properties can be platted without developing the parking lot. Apartment residents were allowed to begin using the lot for parking. If the building were to expand, additional parking would be needed and the reason to develop the parking lot was to get the plat completed and create more marketability having more parking. Commissioner Fernandez stated he had reservations allowing a parking lot in a place where there is a vacant building adding that the intent with the Robert St. project is to develop. Mr. Coast responded there was something in the background saying parking is needed for the tenant to go in but he could not discuss any details.

Council Liaison Bellows stated Sherman has been working this property for years. The development agreement requires that they complete the property going north to Haskell. The parking lot “finishes” the property but not necessarily puts it in the end game result. There is a storm water drainage issue which is also why we require the ponding. He stated the parking lot gets the property finished and compatible with the development. If any prospect wants more building space, they can come back and address that moving forward.

Mark Cromett, Engineer, stated they also required the pond to detain water at the rates for the homes in the area.

**Vice Chair Leuer opened the Public Hearing at 8:13 p.m.**

**Robert Van Cleve, 972 Livingston Ave.**

Mr. Van Cleve advised that the building has been a shell for approximately four years and work to complete the site has been intermittent. He stated the site remains unfinished but liked the proposed parking lot and micro-park. Mr. Van Cleve noted that initially everything was tore out leaving big open space between Robert St. and the residential houses. The homes need noise abatement and the proposed trees and shrubs will do that. Mr. Van Cleve stated there is no fence up right now but it shows in the plans that it was supposed to have been up. He also suggested limiting how long vehicles can be parked in the lot so that it doesn't become a place for abandoned vehicles. In response to Commissioner Fernandez's question, Mr. Van Cleve stated the

site currently consists of weeds, ponding, and is a basic vacant lot except that construction equipment for the Robert St. project seems to be kept there. Mr. Van Cleve closed stating that if the project is completed with the trees, striping and fencing, he would support the proposal.

**Gil Gustafson, 994 Livingston**

Mr. Gustafson stated he was happy to see the proposal as he has been in front of the Council pushing parking issues on Livingston. He noted that parking on Livingston occurs at all times and regularly residents cannot park in front of their own houses. Mr. Gustafson noted the residents were asking for permit parking in the neighborhood previously as there isn't enough parking for the apartment buildings but if the parking lot as proposed is constructed and an easement for parking is in place, he would be very grateful and appreciative. He confirmed the intent was to establish a permanent parking easement and hoped it would incorporate language for residents and visitors. Mr. Van Cleve also stated that currently residents are not parking there and maybe additional notification should occur. He was in favor of the proposal.

Discussion regarding timeline for completion took place as well as additional discussion regarding the effects of the development agreement. If approvals were in place, the projected was anticipated to begin in fall.

**Vice Chair Leuer closed the Public Hearing at 8:23 p.m.**

Commissioner Kavanaugh inquired about solving residential issues or expanding commercial, parking easement, and whether parking lots existed on any other Robert St. corner lots. Asst. Director Boike stated the development agreement is the main reason the proposal is coming through but works with the timing of the residential issue as well so as to complete a project that would benefit both residential and commercial. He also detailed setbacks and corner lots but indicated that he was not aware of parking lots on Robert St. corner lots.

Commissioners discussed noise abatement. They questioned whether fence or vegetation would be the better option. It was noted that fencing provides better noise abatement as typically it takes 75 feet of vegetation to equal a noise wall.

Commissioner Fernandez asked what happens to Sherman if the project doesn't go through. Asst. Director Boike stated that question would need to be answered by the Council or City Attorney in regards to the development agreement as he was not aware of all terms of the agreement.

Commissioner Fernandez stated Sherman's timeline was not the Commission's problem and didn't agree with developing a parking lot just to complete a project that has already been extended for years. He stated he cared about how residents are impacted and the redevelopment of Robert St. and its businesses but would vote no because the proposal didn't make sense and because something better can be placed in that location.

Commissioner Kavanaugh agreed commenting he was not in favor of putting a parking lot on the corner on Robert St.

**ON MOTION by McPhillips, seconded by Leuer, the Planning Commission moved approval of Case #16-12, applications for Plat to combine lots and Site Plan Review to modify (expand) the existing parking lot at 963 Robert St. subject to the conditions provided in the staff memo.**

Ayes: 3 (McPhillips, Leuer, Nelson)

Nays: 3 (Fernandez, Kavanaugh, Ramsay)

Abstain: 0

**The motion failed. The application will go to City Council for review on Monday, September 26, 2016.**

**CASE # 16-13  
Applications For A  
Conditional Use Permit To  
Allow A Dental Office  
(Lab) In a B1, Limited  
Business District And Site  
Plan Review For A  
Building Expansion And  
Parking Lot Modification  
At 5 Wentworth Ave. E. –  
Mularoni & Co.**

Assistant Community Development Director Boike reviewed the staff memo to the Commissioners. Staff recommended approval of the Conditional Use Permit subject to the conditions detailed in the memo.

Commissioner Kavanaugh requested explanation of the existing parking lot area and whether it was connected. Asst. Director Boike confirmed connection noting some grading currently with a bit of a slope. He added that the main entry is on the upper level and that employees and delivery parking is on the lower level. Commissioner Kavanaugh confirmed with Asst. Director Boike that the lot would be considered one parking lot and inquired about the number of handicapped stalls. Asst. Director Boike advised the existing handicapped parking is in compliance with ADA requirements.

Commissioner McPhillips pointed out that the business was a good neighbors and there was nothing adverse about the building.

**Michael Mularoni, Mularoni Architecture, applicant**

Mr. Mularoni advised that the lower lot was secured access and that public would only come to the main entrance on the upper level. He noted the business was not a dental clinic and does not serve the public. It creates molds for dentists. Mr. Mularoni stated they would be decreasing impervious surface and adding more to the landscape noting that between the elevation change, headlights wouldn't be an issue for neighbors either. He added that all other mechanicals and conditions are addressed in the plan.

**Vice Chair Leuer opened the Public Hearing at 8:48 p.m.**

**Jeanette Fordyce, 19 Wentworth Ave. W.**

Ms. Fordyce stated she lived across from the business. She asked that if there is additional light proposed, she'd like it to not be any greater than it exists currently and would like it to continue to be amber in color. She also stated she was happy with boulevard as it is but asked that should trees die, they should be replaced and preferably with fir trees.

**Vice Chair Leuer closed the Public Hearing at 8:50 p.m.**

Commissioners asked the applicant address the lighting issue. Mr. Mularoni advised that lighting was to remain the same and in the same locations. However, they were entertaining placing a light on the upper level but noted from perspective, it would be 100 feet from the lot line and would shine straight down.

**ON MOTION by Nelson, seconded by Kavanaugh, the Planning Commission approved Case #16-13, applications for a Conditional Use Permit to allow a Dental Office (Lab) in a B1, Limited Business District and Site Plan Review for a Building Expansion and Parking Lot Modification at 5 Wentworth Ave. E. subject to the conditions provided in the staff memo.**

Ayes: 6      Nays: 0      Abstain: 0

**NEW BUSINESS**

None.



WEST ST. PAUL PLANNING COMMISSION

Meeting Minutes – September 20, 2016

Page 9

**OLD BUSINESS:**

None.

**OTHER:**

None.

**ADJOURNMENT:**

**ON MOTION of McPhillips, seconded by Fernandez, Commissioners RESOLVED to ADJOURN the September 20, 2016 regular meeting of the Planning Commission at 8:52 p.m. All Ayes: 6/0**